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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,406	03/01/2004	Ernesto Garcia	19.0372	2405
23718	7590	03/15/2006	EXAMINER	
SCHLUMBERGER OILFIELD SERVICES 200 GILLINGHAM LANE MD 200-9 SUGAR LAND, TX 77478			SMITH, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/708,406

**Applicant(s)**

GARCIA ET AL.

**Examiner**

Matthew J. Smith

**Art Unit**

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10Jan06</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 15-27, 29, and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Millheim (4794534).

Millheim discloses a method for drilling a wellbore from an offsite location, the wellbore located at a wellsite having a drilling rig 10 with a downhole drilling tool (col. 4, line 7) comprising: selectively advancing the drilling tool into the earth to form the wellbore, the drilling tool operated according to a wellsite setup; collecting wellsite parameters from downhole sensors (col. 5, line 18) positioned about the wellsite; transmitting at least a portion of the wellsite parameters to an offsite control center 20; performing an analysis of the wellsite parameters (col. 10, lines 34-36); and automatically or manually adjusting the wellsite set up from the offsite center 20 or surface control unit 18 based on the analysis of the wellsite parameters (col. 10, line 54); establishing an offsite communication link (col. 5, lines 31-34) between the offsite control center and the wellsite; establishing an onsite communication link between the surface control unit and a surface system of the wellsite (col. 6, lines 14-15); the offsite communication link between the offsite control center and the downhole tool (col. 7, lines 37-39); parameters transmitted via satellite 24 (col. 5, lines 39-43); the transmitting and adjusting steps performed in real time (col. 2, line 68); the transmitting and

adjusting steps performed at intervals (col. 6, lines 60-63); the drilling tool is a measurement while drilling tool (col. 7, line 27); an offsite processor 61 adapted to generate an analysis of the wellsite parameters and make decisions; an offsite controller (col. 9, lines 57-68) adapted to automatically adjust the wellsite setup according to the analysis of the wellsite parameters; and the offsite center having a monitor (fig. 6) for displaying the wellsite parameters.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Millheim in view of Tubel et al (5721538).

Millheim discloses transmitting well data to a remote location but not establishing a wellsite communication link between one or more wellsites.

Tubel et al present a communication link between transceivers at one or more wellsites for passing signals (fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to monitor several well sites, as presented by Tubel et al., in order to note production of a formation with several wells.

Claims 11-14, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Millheim in view of Alvarado et al. (5864772).

Millheim discloses transmitting well data to a remote location but not deploying a wireline tool with sensors into the wellbore.

Alvarado et al. show a wireline tool 10 with sensors transmitting data to a remote location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a wireline tool to gather well data to be transmitted to a remote location, as shown by Alvarado et al., since it is well known to gather data from a wireline tool as well as a drilling tool.

### ***Response to Arguments***

Applicant's arguments filed 26 January 2006 have been fully considered but they are not persuasive. The examiner contends the precise location of the device to automatically adjust the wellsite equipment is not patentably distinct. Since the communications nexus is disclosed in the prior art, the controller can be located downhole, at the well, or at a remote location. Further, whether an engineer or a processor adjusts parameters at a remote well site, manually or automatically, the wellsite activity is considered controlled by remote decision maker. The examiner notes dependent claims 2 and 3, where adjusting parameters at the wellsite are desired, suggesting remote adjustment is not important.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

MJS *MJS*  
6 March 2006